

REMARKS

This Preliminary Amendment is being filed with a 1.) a Request for Continued Examination (RCE); and 2.) a Petition to Revive Application for Unintentional Abandonment. The Preliminary Amendment responds to a Final Office Action dated September 2, 2005. Entry of the claim amendments contained herein before examination of the application.

In a Final Office Action dated September 2, 2005, claims 28-36 and 38-45 were rejected under 35 U.S.C. § 102(b) as being anticipated by Winter; claims 37 and 46 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Winter; claims 28 and 38 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over U.S. Patent No. 6,886,638; and claims 28, 38 and 39 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2 and 40 of U.S. Patent No. 6,919,512. Terminal Disclaimers are being submitted herewith for purposes of overcoming the double patenting rejections. The previously-submitted Terminal Disclaimers contained a clerical error, as pointed out by the Examiner, which has been corrected in the currently-submitted Terminal Disclaimers. Additionally, a Statement Under 37 CFR § 3.73(b) is submitted herewith, as required by the Examiner. Therefore, for at least these reasons, Applicant submits that the double patenting rejections have been overcome. The §§ 102 and 103 rejections are discussed below.

§ 102 Rejections of Claims 28-37 and Newly-added Claim 47:

As amended, the apparatus of independent claim 28 includes a thermal insulator to prevent thermal damage to a communication line of a first cable segment when a weld coupling is welded to an outer housing of the first cable segment.

In the Final Office Action, the Examiner appears to label the air space that is located between Winter's optical fibers 14 and the ferrule 30 as a "thermal insulator." In support of this contention, the Examiner states, "air is a natural thermal insulator," and adds, "gaps or clearances are known to be used as thermal insulators, in double paned windows for example." Final Office Action, 5. Applicant points out, however, that in order to benefit from the insulative property of air, the air must be contained in a sealed space. Thus, for the example given by the Examiner, in a double pane window, the insulating air, located between the panes, is sealed and thus, if one of

the panes were broken or the seal was otherwise not present, air between the panes would not serve as a thermal insulator, as this air would be in fluid communication with (and thus, at the same temperature as) air outside of the panes.

The thermal insulator of independent claim 28 is adapted to prevent thermal damage to a communication line of the first cable segment when a weld coupling is welded to an outer housing of the first cable segment. This is distinctly different from the air that is located inside Winter's ferrule 30. Although air may exist inside the ferrule 30 while the ferrule 30 is being soldered to the tubes, the space inside the ferrule 30 is not sealed (at least due to the gaps located at the joints being soldered), and thus, the air inside the ferrule 30 would not function as a thermal insulator. Although the Examiner notes that one is allowed to assume that Winter's splice will function after assembly (Final Office Action, 5-6), one skilled in the art would recognize that the performance and overall quality of the splice would be enhanced by the inclusion of the present invention's thermal insulator.

Applicant requests the Examiner to carefully consider the limitations of the dependent claims. For example, Winter does not contemplate thermally insulating the optical fibers 14 during the soldering of the tubes 16 and thus, fails to teach or suggest the inclusion of a thermally insulative material inside the ferrule 33, as set forth in newly-added claim 47 for purposes of protecting the optical fibers 14.

Claims 29-37 are patentable for at least the reasons that these claims depend from an allowable claim. Thus, Applicant requests allowance of claims 28-37 and 47.

§ 102 Rejections of Claims 38-46 and Newly-added Claim 48:

As amended, the method of independent claim 38 recites using a thermal insulator to prevent thermal damage to a communication line of a first cable segment when a weld coupling is welded to the first cable segment.

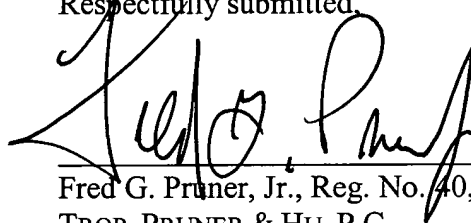
See discussion of independent claim 1 above. In particular, for at least the reasons that are set forth above, Winter fails to teach or even suggest using a thermal insulator to prevent thermal damage to a communication of a first cable segment when a weld coupling is welded to the first cable segment. Therefore, for at least this reason, Applicant respectfully requests allowance of claim 38.

Claims 39-46 are patentable for at least the reason that these claims depend from an allowable claim. Newly-added claim 48 is patentable for at least the reason that Winter fails to teach or suggest a thermally insulative material inside the ferrule 36. Therefore, Applicant requests allowance of claims 39-46 and 48.

CONCLUSION

In view of the foregoing, withdrawal of the double patenting and §§ 102 and 103 rejections and a favorable action in the form of a Notice of Allowance are requested. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 20-1504 (SHL.0231C1US)

Respectfully submitted,



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